



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.06.2020

CORAM :

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THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.NO.7831 OF 2020

M.Singaram

.. Petitioner

-vs-

1. The Project Director,
Tamil Nadu Road Sector Project-2,
TNMB Building, No.171, South Kesava Perumalpuram,
Greenways Road, Raja Annamalai Puram,
Chennai - 600 028.
2. The Chief Engineer,
Tamil Nadu Road Sector Project-2,
TNMB Building, No.171, South Kesava Perumalpuram,
Greenways Road, Raja Annamalai Puram,
Chennai - 600 028.
3. The Joint Director, Director General (H),
1st Floor, Integrated CE's Office,
No.76, Sardar Patel Road, Guindy,
Chennai - 600 025.
4. M/s.PSK Infrastructure and Project Pvt. Ltd.,
rep. By its Managing Director,
Plot No.50, 51, # 8-2-248/1/7/51,
Nagarguna Hills, Punjagutta,
Hyderabad, Telangana - 600 082.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to conduct an enquiry regarding the representation of the petitioner dated 30.04.2020 till then the respondents 1 to 3 may be restrained from considering or awarding any future projects/tenders/main contract and sub contract in favour of the 4th respondent.

For Petitioner : Mr.M.Sathish



ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner claiming himself to be a social activist and RTI activist has come up contending that he has filed a representation alleging certain malpractice on the part of the fourth respondent by manipulating documents for obtaining the work as a sub-contractor in relation to the Tamil Nadu Road Sector Project.

2. The contention is that the representation is to freeze the bank guarantee and other security norms submitted by the fourth respondent and to take appropriate steps for the allegedly filing fake documents and cheating the National Highways Authority of India and the Government, with a further request to blacklist the said respondent for any future award of contracts.

3. The prayer made in the writ petition is to conduct an enquiry on the basis of the said representation and further till such representation is decided, a mandamus be issued restraining the respondents 1, 2 and 3 from awarding any contract or future projects or sub-contract in favour of the fourth respondent.

4. Having gone through the petition and the representation, to us, it appears that the petitioner has been set up by somebody to pursue a cause which is meant only to forestall any process of projects being implemented. It is not the case of the petitioner that any contract has been awarded to any unqualified or unsuitable person. The prayer is in the nature of mandamus for disqualifying and blacklisting the fourth respondent in future. Such a prayer, therefore, is clearly at the instance of some meddlesome person who does not want participation of the fourth respondent and at present there is no material indicating that any such contract has been awarded to the fourth respondent. The writ petition, therefore, is clearly designed and tailored for putting a spoke in the wheel, for which there is no specific material for us to take any action at this stage.

5. The petitioner even otherwise has captioned this petition as a public interest litigation, which in our opinion, cannot be entertained for the reliefs as prayed for, since this, in our opinion, is not a genuine and bonafide effort made by the petitioner, we impose costs of Rs.10,000/- (Rupees Ten Thousand)



on the petitioner to be payable to the Tamil Nadu State Legal Services Authority within three weeks.

The writ petition is dismissed accordingly.

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Sd/-
Assistant Registrar(CO-MDU)

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The Project Director,
Tamil Nadu Road Sector Project-2,
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South Kesava Perumalpuram,
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Chennai - 600 028.
2. The Chief Engineer,
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Chennai - 600 028.
3. The Joint Director,
Director General (H),
1st Floor, Integrated CE's Office,
No.76, Sardar Patel Road, Guindy,
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Copy To
The Secretary,
Legal Services Authority,
Chennai.

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KS(CO)
CS/13/07/2020